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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/098,997	06/17/1998	CARLOS GONZALEZ OCHOA	VALENZ-98-27	4745

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FELLERS SNIDER BLANKENSHIP
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EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/098,997	OCHOA, CARLOS GONZALEZ	
	Examiner	Art Unit	
	Reuben M. Brown	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17, 22 and 28-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30-39 and 41 is/are allowed.
- 6) ☒ Claim(s) 17 is/are rejected.
- 7) ☐ Claim(s) 22, 28, 29 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| ✓ 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the claim 17 has been considered but are moot in view of the new ground(s) of rejection. As for applicant's arguments regarding Small, it is argued that Small does not use the NTSC format. Examiner respectfully disagrees and points out that Small specifically discloses that the 'encoder 50 receives a TV signal in NTSC format and outputs the TV signal..., col. 7, lines 25-35. Even though the actual format of eth data transmitted in the overscan region of Small may be digital, which corresponds with applicant's invention, the video signal itself is transmitted in NTSC format, see col. 12. lines 20-30.

Applicant argues on page 21 that hindsight reconstruction was used in the rejection. Examiner respectfully disagrees. Small teaches that it is desirable to take advantage of the overscan portion of the video signal, see col. 3, lines 40-60. Furthermore, Collings clearly teaches that information maybe provide to the user regarding the program that is being blocked, such as the title, (col. 4, lines 1-6) which would least provide the subscriber with feedback as to which programs are being restricted.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman, (U.S. Pat # 6,125,259), in view of Small, (U.S. Pat # 6,040,870), Gammie (U.S. Pat # 5,029,207) and Collings, (U.S. Pat # 5,828,402).

Considering amended claim 17, the claimed remote unitary module (RM) for controlling access to a plurality of video channels that are distributed over a communications network, reads on the operation of the video blocking apparatus, set-top converter 507, STC shown in Fig. 4 of Perlman. The claimed communications network that has a head-end and at least one remote-end, such that the RM is positioned at the remote-end of the communications network, and is provided with a changeable list of permitted video channel numbers also reads on the disclosure of Perlman. The instant reference teaches that the parental control circuitry is located at the user premise, and to which the user is enabled to choose a list of channels permitted to be viewed; see col. 3, lines 51-60; col. 4, lines 5-20; col. 6, lines 9-15 & col. 9, lines 7-15.

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Regarding the claimed feature of the changeable list containing at least one permitted video channel number; see Perlman col. 3, lines 51-60. As for the amended claimed feature of transmitting the changeable list of permitted channels within the overscan portion scan line(s) of a video signal, Perlman discloses that the EPG data may be transmitted on an out-of-band channel, col. 6, lines 49-65, or using other conventional extraction techniques. However, it is not explicitly disclosed that one of these techniques may include the overscan portion of a video signal. Nevertheless, Small teaches transmitting any data or information in the overscan portion of a video signal, col. 5, lines 10-25; col. 6, lines 31-34 & col. 12, lines 21-24.

It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Perlman with the technique of transmitting data in the overscan portion of a video signal, for the desirable benefit of taking advantage of scan lines that are already included in a standard video signal, but are generally not displayed by standard TV sets, as taught by Small, col. 3, lines 40-67. Therefore, the further claimed feature of extracting from the at least one scan line, the embedded portion of changeable list of permitted channels is met by the combination of Perlman & Small.

As for the further recited feature, of a 'changeable list of permitted video channel numbers', Perlman is directed to prohibiting the display of video channels not included within the list of permitted channels, col. 3, lines 51-67.

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Regarding the newly added feature of the 'RM having a unique identifier', 'extracting from the at least one overscan lines the embedded module identifier' and 'if the embedded identifier matches the RM identifier, prohibiting the display of different video channels', although Perlman teaches sending the channel restriction information to a particular subscriber, the reference does not explicitly teach the process is done by identifying the terminal with a unique identification or address. Nevertheless Gammie, which is in the same field of endeavor, teaches that authorization information maybe specifically addressed to a particular subscriber, col. 2, lines 55-65; col. 10, lines 1-25; col. 12, lines 50-62 & col. 13, lines 1-30. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Perlman with the feature of transmitting the data to the decoders using an addressable system for the improvement of a more secure method, as taught by Gammie, col. 2, lines 65-68 thru col. 3, lines 1-10.

The claimed RM comprising a first tuner in electronic communication with the communications network is met by the operation of the tuner in conjunction with the STC 507, see col. 6, lines 25-37. As for the baseband output associated with a particular video channel number, Perlman delivers TV signals to a TV set, when the blocking apparatus is included within a STC 507, see col. 6, lines 9-30 & Fig. 1. The claimed means for changing the first tuner to receive a different video channel having a different channel number is necessarily included in Perlman, in that the user is enabled to select a variety of TV channels. The combination of Perlman & Small reads on the claimed feature of extracting at least a portion of the changeable list of permitted channels, from at least one transmitted overscan line. The additionally claimed

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CPU that senses that the tuner is tuned to a different channel number and determining whether the different channel number is in the changeable list is met by the operation of the microprocessor 301, which controls the circuitry; see col. 6, lines 30-33.

As for the claimed feature of switching between a digital image stored in RAM and the baseband video signal, Perlman merely teaches switching to another channel that is authorized, Fig. 2 (Step 206, 208). Nevertheless, Collings teaches that when the video signal is being blocked, an alternate video signal containing a graphic image may be displayed to the viewer, see col. 3, line 67 thru col. 4, lines 1-10, which reads on the claimed feature. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Perlman with the technique of switching to a graphic image, if a video channel is blocked, at least for the desirable advantage of informing the subscriber that the requested video channel has been blocked, as taught by Collings, col. 4, lines 1-6.

Allowable Subject Matter

4. Claims 22, 28-29 & 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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5. Claims 30-39 & 41 are allowed. Considering amended claim 30, prior art of record does not teach the combination of elements, including, the claimed feature of a RM for controlling access by a user to a plurality of video channels that are distributed over a communications conduit, wherein the RM is provided with a changeable list of permitted video channel #'s, wherein is provided a standard NTSC video signal transmitted over the communication conduit, such that the video signal contains at least one scan line within an overscan portion of the video signal, such that at least portion of representation of a revised list of permitted video channels is embedded as a first two-level video signal; wherein the video signal contains at least one scan line within said overscan portion of video signal wherein a representation of a security key is embedded as a second two-level video signal, and wherein the RM has a module security key associated; such that the RM comprises a 1st tuner in electronic communication conduit, the 1st video tuner is switchable to receive a selected two video channel, the first tuner transmits a video signal as output, such that the 1st tuner video signal representative of the selected video channel, a CPU in communication with the 1st tuner, to examine the video signal to obtain the representation of the security key from the 1st two-level video signal, examining the video signal to obtain the representation of the revised list of permitted video channels from the 2nd two-level video signal, comparing the transmitted security key with the module security key, if the transmitted security key does not match the module security key responding according to the selected channel, to determine whether the selected channel # is in the provided changeable list of permitted channel number.

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Claims 31-39 & claim 41, depend from an allowable claim and is therefore allowable for likewise reasons.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Jeffers Teaches transmitting messages to addressable terminal, using unique ID numbers.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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